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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* GEORG FISCHER, HARALD HOLZER,  
ANDREAS REKOFSKY, and KARL SMIRRA

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Appeal 2009-006751  
Application 10/735,159  
Technology Center 2800

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Before KENNETH W. HAIRSTON, MARC S. HOFF,  
and CARLA M. KRIVAK, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

### STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 2 to 4, 11, 13 to 16, 18, and 19. Claims 1, 5 to 10, 12, and 17 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We will sustain the obviousness rejection.

Appellants' invention is concerned with a contacting component (Figures 1 and 3) for manufacturing an electrical connection including a conductor onto which first and second plastic components are molded. The conductor can be bent around a bending collar. (Claims 2, 11, 13, and 18).

Claim 2 reproduced below is representative of the subject matter on appeal:

2. A contacting component for manufacturing an electrical connection between a control/regulation device and an actuator, said component comprising:

a conductor device onto which a first plastic component and, separately from it, a second plastic component are molded, wherein the conductor device is bendable such that the first plastic component can engage the second plastic component to provide a single integral contacting component, wherein the first plastic component and/or the second plastic component has a bending collar around which the conductor device can be bent.

The Examiner relies upon the following as evidence of unpatentability:

Reed	US 5,178,563	Jan. 12, 1993
Janssen	US 6,099,324	Aug. 8, 2000

The following obviousness rejection is before us for review:

Claims 2 to 4, 11, 13 to 16, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Reed and Janssen.

The Examiner relies upon Reed as disclosing all of the features set forth in independent claims 2, 11, 13, and 18 including a contacting component (*see* Figure 3) having a conductor device 28 onto which first and second plastic components 38 and 36 are molded, except one of the plastic components having a bending collar around which the conductor device can be bent (Ans. 3-5). The Examiner relies upon Janssen (*see* Figures 5 and 6) as disclosing a bending collar in a second plastic component 44 around which a conductor device 34 is bent (Ans. 5). The Examiner determines that it would have been obvious to modify the first or second plastic component of Reed with the bending collar of Janssen for the purpose of uniformly bending and supporting the conductor device around a 90 degree bend (Ans. 5).

Appellants contend (App. Br. 6-9; Reply Br. 2-3) that neither Reed nor Janssen, whether taken singly or in combination, teaches or suggests a bending collar. More specifically, Appellants assert that Janssen's Figure 6 does not teach or suggest "a bending collar around which the conductor device can be bent" as recited in the claims on appeal (App. Br. 9), and that Janssen's conductor 34 is not in contact with the shoulder of second component 44 (App. Br. 9; Reply Br. 2-4).

Appellants also argue (App. Br. 10-12) that there is no suggestion or motivation to modify Reed to include a bending collar, and that so

modifying Reed would not allow central portions 42 of contacts 28 to pull away and exert a holding force and, thus, providing a stable assembly.

## ISSUES

Based on Appellants' arguments, the issues are:

Does Janssen teach or suggest a bending collar around which a conductor device can be bent as recited in claims 2, 11, 13, and 18?

Would it have been obvious to modify Reed's contact assembly to include the component housing 44 of Janssen?

## FINDING OF FACT

Janssen describes a component housing 44 around which contacts 34 (conductor) are bent (Figs. 2 and 5-8). The contacts 34 are bent 90 degrees (col. 3, ll. 30-34).

## PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). The Examiner's articulated reasoning in the rejection must possess a rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

## ANALYSIS

We agree with the Examiner's findings of fact and conclusions of obviousness with respect to claims 2, 11, 13, and 18 (Ans. 3-5), and adopt them as our own, along with some amplification of the Examiner's explanation of the teachings of Janssen (*see FF*). *See Fine*, 837 F.2d at 1073; *Kahn*, 441 F.3d at 988. We will sustain the Examiner's rejection of independent claims 2, 11, 13, and 18, as well as the rejection of claims 3, 4, 14 to 16, and 19 which depend respectively therefrom, for the reasons that follow.

Notably, Appellants admit that "Janssen et al. teaches the conductors are bent" (App. Br. 8). As is evident from Janssen's Figure 6, 7, and 8, conductors 34 are bent around the housing 44 (FF). As seen in Figure 5 of Janssen, conductors 34 and 40 extend through housing 44, and are bent at 90 degrees (*see Figs. 6-8; FF*). All of the claims on appeal recite "a bending collar around which the conductor device can be bent" (*see independent claims 2, 11, 13, and 18*). Thus, the claims merely recite that the conductor *can* be bent around the bending collar, not that the conductor *is* bent, nor that it is bent in any certain fashion. The claims are apparatus claims, and also do not recite that the conductor is bent around the bending collar at any particular time during a manufacturing process.

Janssen's housing 44 meets the claimed limitation of "a bending collar around which the conductor device can be bent" (claims 2, 11, 13, and 18). Appellants' arguments to the contrary are unconvincing. The Examiner has provided a factual basis (the findings concerning Janssen) and articulated

reasoning with a rational underpinning (the motivation for modifying Reed with Janssen at page 5 of the Answer) to support the legal conclusion of obviousness (Ans. 5). *See Fine*, 837 F.2d at 1073; *Kahn*, 441 F.3d at 988.

The Examiner's reasoning for modifying the first or second plastic component of Reed with the bending collar of Janssen, to uniformly bend and support the conductor device around a 90 degree bend (*see Ans. 5*), is not unreasonable. Supporting and protecting the conductors from harm or interference provides logical and predictable advantages.

Appellants' contentions (App. Br. 10-12) that modifying Reed with Janssen's housing 44 would not allow central portions 42 of contacts 28 to pull away and provide a holding force and a stable assembly are unconvincing. To the contrary, using a housing such as that of Janssen (44) would provide even more stability. Since both Reed and Janssen concern providing stability for contacting components having conductors, we cannot agree with Appellants (App. Br. 11) that Reed teaches away from making the combination.

Appellants' argument (App. Br. 9; Reply Br. 2-4) that Janssen's conductor 34 is not in contact with the shoulder of second component 44 is unconvincing since claims 2, 11, 13, and 18 do not recite a shoulder, or that the conductor must be in contact with a shoulder or the second component.

Appellants' arguments (Reply Br. 4-5) that Janssen fails to teach "uniform bending" is unconvincing inasmuch as claims 2, 11, 13, and 18 do not recite "uniform" bending.

Based on our finding with respect to Janssen (*see* FF), we agree with the Examiner that the combination of Reed and Janssen meets all of the limitations of a contacting component including a bending collar around which a conductor device can be bent, as set forth in claims 2 to 4, 11, 13 to 16, 18, and 19.

In view of the foregoing, we will sustain the obviousness rejection of claims 2 to 4, 11, 13 to 16, 18, and 19 based upon the teachings of Reed and Janssen.

#### CONCLUSIONS OF LAW

Janssen teaches and suggests a bending collar around which a conductor device can be bent as recited in claims 2, 11, 13, and 18.

It would have been obvious to modify Reed's contact assembly to include the component housing 44 (i.e., bending collar) of Janssen.

#### ORDER

The decision of the Examiner rejecting claims 2 to 4, 11, 13 to 16, 18, and 19 under 35 U.S.C. § 103 is affirmed.

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Application 10/735,159

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KIS

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